

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD KLINE, SR., LINDA KLINE,)
and IRREONA BYRD, on behalf of themselves)
and all others similarly situated,)
Plaintiffs,)

v.)

Case No. 2:21-cv-11272-NGE
Hon. Nancy G. Edmunds

FISHMAN GROUP PC, RYAN FISHMAN,)
MARC FISHMAN, ALEXANDRA ICHIM,)
FENTON OAKS, LLC dba FENTON OAKS)
MHC, and PROFESSIONAL PROPERTY)
MANAGEMENT CO. OF MICHIGAN dba)
PROFESSIONAL PROPERTY)
MANAGEMENT INC.,)
Defendants.)

DEFENDANT FENTON OAKS, LLC dba FENTON OAKS
MHC'S ANSWER TO PLAINTIFFS' COMPLAINT

NOW COMES Defendant, FENTON OAKS, LLC dba FENTON OAKS MHC, by and through its attorneys, Swistak & Levine, P.C., and for its Answer to Plaintiffs' Complaint, state as follows:

Nature of this Action

1. In answer to Paragraph 1 of Plaintiffs' Complaint, Defendant states that this is merely an introduction to the claims being brought in this case and not an allegation of fact requiring an answer.

2. In answer to Paragraph 2 of Plaintiffs' Complaint, Defendant admits the allegations therein contained.

3. In answer to Paragraph 2 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

4. In answer to Paragraph 4 of Plaintiffs' Complaint, Defendant admits the allegations therein contained.

5. In answer to Paragraph 5 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

6. In answer to Paragraph 6 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that Defendant received any funds because of any fraudulent actions as Defendant has no record of receiving any funds from cases sent to Defendant Fishman Group. As to whether there were any judgments entered or how they were entered, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of these allegations and leaves Plaintiffs to their proofs.

Background

7. In answer to Paragraph 7 of Plaintiffs' Complaint, this purports to be a statement of history and a quotation from a federal statute, not an allegation of fact related to this case for which a response is required.

8. In answer to Paragraph 8 of Plaintiffs' Complaint, this purports to be a statement of history and a quotation from a federal statute, not an allegation of fact related to this case for which a response is required.

9. In answer to Paragraph 9 of Plaintiffs' Complaint, this purports to be a statement of history and a quotation from a federal statute, not an allegation of fact related to this case for which a response is required.

10. In answer to Paragraph 10 of Plaintiffs' Complaint, this purports to be a statement of history and a quotation from a federal case, not an allegation of fact related to this case for which a response is required.

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11. In answer to Paragraph 11 of Plaintiffs' Complaint, this purports to be a statement of history and a quotation from a federal case, not an allegation of fact related to this case for which a response is required.

12. In answer to Paragraph 12 of Plaintiffs' Complaint, this purports to be a statement of Plaintiffs' goals in this case, not an allegation of fact related to this case for which a response is required.

13. In answer to Paragraph 13 of Plaintiffs' Complaint, this purports to be a statement of made by a Federal agency, not an allegation of fact related to this case for which a response is required.

Jurisdiction and Venue

14. In answer to Paragraph 14 of Plaintiffs' Complaint, Defendant admits the allegations therein contained.

15. In answer to Paragraph 14 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that Defendant violated any federal or state law in relation to this case, the Plaintiffs, or anyone else, as it did not.

16. In answer to Paragraph 16 of Plaintiffs' Complaint, Defendant admits the allegations therein contained.

Parties

17. In answer to Paragraph 17 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs. As to Plaintiffs Donald Kline, Sr. and Linda Kline, Defendant admits that these people are natural persons who, upon information and belief, resided in Genesee County, Michigan.

18. In answer to Paragraph 18 of Plaintiffs' Complaint, this purports to be a statement of law, not an allegation of fact related to this case for which a response is required.

19. In answer to Paragraph 19 of Plaintiffs' Complaint, this purports to be a statement of law, not an allegation of fact related to this case for which a response is required.

20. In answer to Paragraph 20 of Plaintiffs' Complaint, this purports to be a statement of law, not an allegation of fact related to this case for which a response is required.

21. In answer to Paragraph 21 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

22. In answer to Paragraph 22 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

23. In answer to Paragraph 23 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

24. In answer to Paragraph 24 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

25. In answer to Paragraph 25 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

26. In answer to Paragraph 26 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

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27. In answer to Paragraph 27 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

28. In answer to Paragraph 28 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

29. In answer to Paragraph 29 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

30. In answer to Paragraph 30 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

31. In answer to Paragraph 31 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

32. In answer to Paragraph 32 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

33. In answer to Paragraph 33 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

34. In answer to Paragraph 34 of Plaintiffs' Complaint, Defendant admits the allegations therein contained.

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35. In answer to Paragraph 35 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

Factual Allegations

36. In answer to Paragraph 36 of Plaintiffs' Complaint, Defendant admits the allegations therein contained that Plaintiffs Donald Kline, Sr. and Linda Kline owe a debt to Defendant. As to Plaintiff Irreona Byrd, she does not owe a debt to Defendant.

37. In answer to Paragraph 37 of Plaintiffs' Complaint, Defendant admits the allegations therein contained that Plaintiffs Donald Kline, Sr. and Linda Kline owe a debt to Defendant that arose from personal, family, or household purposes. As to Plaintiff Irreona Byrd, she does not owe a debt to Defendant.

38. In answer to Paragraph 38 of Plaintiffs' Complaint, Defendant admits the allegations therein contained.

39. In answer to Paragraph 39 of Plaintiffs' Complaint, Defendant admits the allegations therein contained.

40. In answer to Paragraph 40 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs. However, in further answer, at no time and in no capacity did Defendant ever authorize other defendants in this matter to create an improper or false proof of service, nor would Defendant have agreed to such an activity if Defendant was asked.

41. In answer to Paragraph 41 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs. However, in further answer, at no time and in no capacity did Defendant ever

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authorize other defendants in this matter to create an improper or false proof of service, nor would Defendant have agreed to such an activity if Defendant was asked.

42. In answer to Paragraph 42 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs. However, in further answer, at no time and in no capacity did Defendant ever authorize other defendants in this matter to create an improper or false proof of service, nor would Defendant have agreed to such an activity if Defendant was asked.

43. In answer to Paragraph 43 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs. However, in further answer, at no time and in no capacity did Defendant ever authorize other defendants in this matter to create an improper or false proof of service, nor would Defendant have agreed to such an activity if Defendant was asked.

44. In answer to Paragraph 44 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs. However, in further answer, at no time and in no capacity did Defendant ever authorize other defendants in this matter to create an improper or false proof of service, nor would Defendant have agreed to such an activity if Defendant was asked.

45. In answer to Paragraph 45 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs. However, in further answer, at no time and in no capacity did Defendant ever authorize other defendants in this matter to create an improper or false proof of service, nor would Defendant have agreed to such an activity if Defendant was asked.

46. In answer to Paragraph 46 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves

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Plaintiffs to their proofs. However, in further answer, at no time and in no capacity did Defendant ever authorize other defendants in this matter to create an improper or false proof of service, nor would Defendant have agreed to such an activity if Defendant was asked.

47. In answer to Paragraph 47 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs. However, in further answer, at no time and in no capacity did Defendant ever authorize other defendants in this matter to create an improper or false proof of service, nor would Defendant have agreed to such an activity if Defendant was asked.

48. In answer to Paragraph 48 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that funds were withheld as, upon information and belief, funds which were garnished were released to the Plaintiffs, not provided to the Defendant.

49. In answer to Paragraph 49 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

50. In answer to Paragraph 50 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

51. In answer to Paragraph 51 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

52. In answer to Paragraph 52 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

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53. In answer to Paragraph 53 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

54. In answer to Paragraph 54 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

55. In answer to Paragraph 55 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

56. In answer to Paragraph 56 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

57. In answer to Paragraph 57 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

58. In answer to Paragraph 58 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

59. In answer to Paragraph 59 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

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Class Allegations

60. In answer to Paragraph 60 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

61. In answer to Paragraph 61 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that a class should be certified as it pertains to Defendant. Defendant can identify the very few people against whom Defendant retained Defendant Fishman Group and there is no basis or reason for class certification. As to the remainder of the allegations in Paragraph 61, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

62. In answer to Paragraph 62 of Plaintiffs' Complaint, Defendant admits the allegations therein contained.

63. In answer to Paragraph 63 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that the proposed class is so numerous that joinder of all members is impracticable. In fact, Defendant believes there are only five matters which it sent to Defendant Fishman Group for collection efforts.

64. In answer to Paragraph 64 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that the proposed class is so numerous that joinder of all members is impracticable. In fact, Defendant believes there are only five matters which it sent to Defendant Fishman Group for collection efforts.

65. In answer to Paragraph 65 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that there should be a class certified. In further answer, Defendant can easily identify the few people whom it sent to Defendant Fishman Group for collection efforts.

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66. In answer to Paragraph 66 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

67. In answer to Paragraph 67 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

68. In answer to Paragraph 68 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that Defendant was unjustly enriched or that any of the purported questions or issues raised in this allegation are applicable to Defendant.

69. In answer to Paragraph 69 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that these Plaintiffs' claims are typical of other members of the purported class, as they are not.

70. In answer to Paragraph 70 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that these Plaintiffs' claims originate similarly to the claims of other members of the purported class, as they are not. Each collection case is different, with different debts, amounts, and reasons for the debts.

71. In answer to Paragraph 71 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that these Plaintiffs' claims would require the same proof of facts as the claims of other members of the purported class, as they do not. Each collection case is different, with different debts, amounts, and reasons for the debts.

72. In answer to Paragraph 72 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that these Plaintiffs possess the same interests and have suffered the same injuries as other members of the purported class, as they do not. Each collection case is different, with different debts, amounts, and reasons for the debts.

73. In answer to Paragraph 73 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that these Plaintiffs assert the identical claims and seek the same relief as other members of the purported class, as they do not. Each collection case is different, with different debts, amounts, and reasons for the debts.

74. In answer to Paragraph 74 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

75. In answer to Paragraph 75 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

76. In answer to Paragraph 76 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

77. In answer to Paragraph 77 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

78. In answer to Paragraph 78 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

79. In answer to Paragraph 79 of Plaintiffs' Complaint, Defendant neither admits nor denies the allegations therein contained as Defendant does not know the truth of this allegation and leaves Plaintiffs to their proofs.

80. In answer to Paragraph 80 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that there could be a risk of inconsistent or varying adjudications, except that since the

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potential members all owe different amounts for different reasons, they should bring their own cases, if such cases even exist.

81. In answer to Paragraph 81 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that there could be a risk of inconsistent or varying adjudications, except that since the potential members all owe different amounts for different reasons, they should bring their own cases, if such cases even exist. The facts, proof and legal theories are different in every case.

82. In answer to Paragraph 82 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that class certification is appropriate. There are approximately five potential plaintiffs who could allege a claim against Defendant and, if each of them actually has a claim, which they very well may not, they should bring it.

83. In answer to Paragraph 83 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that class certification is appropriate. There are approximately five potential plaintiffs who could allege a claim against Defendant and, if each of them actually has a claim, which they very well may not, they should bring it.

84. In answer to Paragraph 84 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that class certification is superior to other methods of adjudication. The potential members of this purported class owe different amounts for different reasons and, likely, those debts are appropriate and legitimate. By pursuing a class action, attorney fees will be paid which will end up costing the potential plaintiffs more because they will still owe their debts to their creditors, regardless of what happens in this case.

COUNT I – VIOLATIONS OF THE FAIR DEBT COLLECTIONS PRACTICES ACT

85. Defendant restates its answers to paragraphs 1-84 as though fully set forth herein.

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86. In answer to Paragraph 86 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

87. In answer to Paragraph 87 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

88. In answer to Paragraph 88 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

89. In answer to Paragraph 89 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

**COUNT II – VIOLATION OF THE MICHIGAN OCUPATIONAL CODE AS TO
DEFENDANT COLLECTORS**

90. Defendant restates its answers to paragraphs 1-89 as though fully set forth herein.

91. In answer to Paragraph 91 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

92. In answer to Paragraph 92 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

93. In answer to Paragraph 93 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

**COUNT III – VIOLATION OF MICHIGAN COLLECTION PRACTICES ACT BY
DEFENDANT COLLECTORS**

94. Defendant restates its answers to paragraphs 1-93 as though fully set forth herein.

95. In answer to Paragraph 95 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

96. In answer to Paragraph 96 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

97. In answer to Paragraph 97 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

98. In answer to Paragraph 98 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

99. In answer to Paragraph 99 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

COUNT IV – UNJUST ENRICHMENT AS TO DEFENDANT CREDITORS

100. Defendant restates its answers to paragraphs 1-99 as though fully set forth herein.

101. In answer to Paragraph 101 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

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102. In answer to Paragraph 102 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation and thus denies the allegations therein contained as they purportedly apply to Defendant.

103. In answer to Paragraph 103 of Plaintiffs' Complaint, Defendant states that Defendant is not subject to this Count or this allegation. and thus denies the allegations therein contained as they purportedly apply to Defendant.

COUNT V – NEGLIGENCE/NEGLIGENCE PER SE AS TO ALL DEFENDANTS

104. Defendant restates its answers to paragraphs 1-103 as though fully set forth herein.

105. In answer to Paragraph 105 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that it had a duty to any of the Plaintiffs as it sent the matter involving the Klines to the Fishman Group for it to handle and was not consulted or advised as to the manner of collection or of service of process the Fishman Group utilized.

106. In answer to Paragraph 106 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that it breached a duty to any of the Plaintiffs as it sent the matter involving the Klines to the Fishman Group for it to handle and was not consulted or advised as to the manner of collection or of service of process the Fishman Group utilized.

107. In answer to Paragraph 107 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that the Plaintiffs or any other potential plaintiffs who owe Defendant damages were damaged in any manner as they have not paid anything to Defendant and continue to owe their very valid debts to Defendant.

108. In answer to Paragraph 108 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that the Plaintiffs or any other potential plaintiffs who owe Defendant damages were damaged in any manner as they have not paid anything to Defendant and continue to owe their very valid debts to Defendant.

COUNT VI – CONVERSION AS TO ALL DEFENDANTS

109. Defendant restates its answers to paragraphs 1-108 as though fully set forth herein.

110. In answer to Paragraph 110 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that the Defendant took any funds of any Plaintiff that Defendant was not entitled to take. In further answer, Defendant did not receive any funds from Plaintiffs Klines.

111. In answer to Paragraph 111 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that Defendant took any of Plaintiffs' funds or that it received any of Plaintiffs' funds.

112. In answer to Paragraph 112 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that Defendant received any of the Plaintiffs funds, as it did not.

113. In answer to Paragraph 113 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that the Plaintiffs demanded the return of any of their funds from Defendant as Defendant did not receive any of the Plaintiffs' funds.

108. In answer to Paragraph 114 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that Defendant impliedly refused to return any funds to Plaintiffs as Defendant has not received any funds from any of the Plaintiffs.

115. In answer to Paragraph 115 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that Defendant received, removed, or used any of Plaintiffs' funds as Defendant never received any funds from Plaintiffs.

116. In answer to Paragraph 116 of Plaintiffs' Complaint, Defendant denies the allegations therein contained that Defendant received, removed, or used any of Plaintiffs' funds as Defendant never received any funds from Plaintiffs. As such, Defendant could not have converted any of Plaintiffs funds.

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WHEREFORE, Defendant FENTON OAKS LLC dba FENTON OAKS MHC urges this Honorable Court to deny Plaintiffs request to certify this matter as a class action and to enter a judgment of no cause of action in favor of Defendant, with costs and attorney fees assessed to Plaintiffs.

SWISTAK & LEVINE, P.C.
Attorneys for Defendant Fenton Oaks only

/s/ I. Matthew Miller
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DATED: June 28, 2021

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DATED: January 8, 2016

JURY DEMAND

Plaintiffs demand a trial by jury on all matters before this Court.

SWISTAK & LEVINE, P.C.

Attorneys for Plaintiff

/s/ I. Matthew Miller

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DATED: January 8, 2016

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